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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/989,683 | 11/21/2001 | Richard Ormson | 016778-0439 | 9711 |
| 22428 | 7590 | 06/30/2005 | EXAMINER | |
| FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007 | | | SOBUTKA, PHILIP | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2684 | |

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,683

Applicant(s)

ORMSON ET AL.

Examiner

Philip J Sobutka

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-22 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 10 is/are rejected.
- 7) ☒ Claim(s) 3,7 and 8,9,11-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. Claims 1,2,4,10, are rejected under 35 U.S.C. 102(e) as being anticipated by Beaton et al (US 6,608,637).

Consider claim 1. Beaton teaches a mobile communications device comprising a main display area and a keypad (Beaton see especially figs 2, 7), and a touch sensitive display area to display one or more function keys and to allow selection of the functions by contact, wherein the touch sensitive area is arranged between the main display area and the keypad (Beaton see especially fig 7, items 7400,7500,7600, col 6, lines 18-44). Note that Beaton's display area is not a touch sensitive area when used as display.

As to claim 2, note that Beaton's main display area and the touch sensitive display area are each part of a single display (Beaton see especially fig 7, col 6, lines 18-44)

As to claims 4,9, note that Beaton's device is a mobile telephone (Beaton see especially fig 7, col 6, lines 18-44).

As to claim 10, note that Beaton's functions vary depending on what is being displayed (Beaton, figs 6,7).

Claim Rejections - 35 USC § 103

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beaton in view of Barvesten (US 6,714,802).

As to claim 5, Beaton teaches everything claimed as shown above, except for the mobile telephone device being a WAP mobile telephone. Barvesten teaches that use of

Art Unit: 2684

the WAP protocol allows browsing the internet (Barvesten see especially col 6, lines 1-15). It would have been obvious to one of ordinary skill in the art to modify Beaton to use the WAP protocol in order to allow the user to browse the internet.

Allowable Subject Matter

3. Claims 15-22 are allowed.
4. Claims 3,7,8 and 9,11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Consider claims 3,7,8, 11, 15,19. The nearest prior art as shown in Beaton fails to teach the device of claim 1, wherein the touch sensitive area has a mask or label to show the one or more user input options as separate keys.

Response to Arguments

5. Applicant's arguments filed May 17, 2005 have been fully considered but they are not persuasive.

Applicant argues that the claims distinguish over Beaton since Beaton's area is occasionally used as a touch sensitive area. However the examiner maintains that when it is not being used as touch sensitive area, it is not touch sensitive. If the claimed limitations are met at some point in the function of the prior art, then they are met. It is again noted that the claims do not require the area to be non-touch sensitive at all times. Clearly when Beaton's "main" area is used as a display, it is not arranged to

Art Unit: 2684

receive touch input. Note also applicant's own claim 2, which would seem to be exactly the arrangement shown in Beaton.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882.

8. The current fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

On July 15, 2005, the Central FAX Number will change to **571-273-8300**. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005.

After September 15, 2005, the old number will no longer be in service and **571-273-8300** will be the only facsimile number recognized for "centralized delivery".

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA

Art Unit: 2684

22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Sobutka

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NAY MAUNG
SUPERVISORY PATENT EXAMINER